

MINUTES

County Council Meeting

May 21, 2012

Spartanburg County Council met on Monday, May 21, 2012, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Katherine Hubbard, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

I.

Chairman Horton called the meeting to order.

Invocation was rendered by Chaplain Clevenger. Mr. Jim Greer led in reciting the Pledge of Allegiance.

II.

- A. Motion made by Mr. Brown to adopt a Resolution proclaiming the month of May 2012 as Mental Health Month in Spartanburg County. Motion seconded by Mr. Britt and carried. Ms. Jane Clemmer, LMSW, Executive Director, New Day, Inc. of Spartanburg, received the Resolution.
- B. Mr. Mintz presented a Resolution expressing recognition and appreciation for the pride and honor bestowed upon Spartanburg County by the achievements of Lawson Worley for being named the 2013 Distinguished Young Woman of Spartanburg. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Ms. Hall to adopt a Resolution expressing recognition of National Nurses Week and special appreciation to those individuals who faithfully work as registered nurses in Spartanburg County. Motion seconded by Mr. Culbreth and carried. Ms. Chanda Flynn, CNO, Mary Black Healthcare System, received Resolution.

- D. Mr. David Cordeau, President and CEO, Spartanburg Area Chamber of Commerce, re-presented the Duke Energy Citizenship and Service Award to Ann Angermeier, Executive Director, Upstate Workforce Investment Board.
- E. Honorable Rick Danner, Mayor, City of Greer, re-presented the Joe A. Young Outstanding Local Workforce Investment Board Award to Ann Angermeier, Executive Director, Upstate Workforce Investment Board.
- F. Chairman Horton recognized the Graduates of the Spartanburg County Citizens' Academy.

III.

Ms. Hubbard recognized several employees for their acts of kindness and deliberate choice to help. Honorable Lindsey Brady, County Treasurer, was elected as a Director to the National Association of County Treasurers. Janet Lowe, Jennifer Gibson, and Mike Emory, March of Dimes Captains, were recognized for their leadership. Through their efforts and the County employees' generosity, the County raised \$8,100 for the March of Dimes campaign. Debbie Sims, Crystal Lovinggood, and Chris Freeman, Auditor's Office, were recognized for Citizen's compliments. Phil Plexico, Chris Massey, Mike Clevenger, and Richie Strom were recognized for assisting and providing the Emergency Services Academy facility for the United States Probation Office training. Pat Gotautas and Debbie Greene, Clerk of Court's Office, were recognized for being selected by the Spartanburg County Bar Association for the Justice E.C. Burnett III Award. Jamie Nelson and the Environmental Enforcement Staff were recognized for their efforts on keeping Interstate 26 clean. Mr. Culbreth recognized former South Carolina House of Representative Member Bob Walker, Mayor Copeland and two Council Members from Campobello. Ms. Hall recognized Mayor Elaine Harris and Ms. Littlejohn of Pacolet, and past Lieutenant Governor Bob Peeler.

IV.

- A. Chairman Horton declared open a public hearing to consider a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2012 and ending June 30, 2013; to provide for budget control of said appropriation by the Spartanburg County Council. Pat Gotautas, Clerk of Court's Office, spoke to ask Council to consider giving employee salary increases. Catherine Gramling, Board Chair, Children's Advocacy Center, spoke to request additional funds for the Children's Advocacy Center. Mr. Culbreth read a statement from Jimmy Flynn, Landrum Fire Department. The statement is included in backup. Don Bramlett, City of Spartanburg resident, spoke to compliment Council on their service and asked them to

consider a tax increase in order to provide better services, improved roads, and employee salary increases. Matter was closed.

- B. Chairman Horton declared open a public hearing to consider a Budget Ordinance to establish Capital Project Budgets for the 2012-2013 Budget Year of the Five-Year Capital Improvement Plan. No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Lao Association of Spartanburg** from 9:00 a.m. until 1:00 a.m. on June 29 and June 30, 2012 for a Building Celebration at 470 Fox Drive, Spartanburg. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Craig** from 5:30 p.m. until 10:00 p.m. on Saturday, June 2, 2012 for a wedding and reception at 331 Shadow Lane, Lyman. No one appeared, and the matter was closed.
- E. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Craig** from 5:30 p.m. until 10:00 p.m. on Saturday, June 16, 2012 for a wedding and reception at 331 Shadow Lane, Lyman. No one appeared, and the matter was closed.
- F. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, June 2, 2012 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.
- G. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, June 23, 2012 for a drag race at 1792 Dragway Road, Greer. No one appeared, and the matter was closed.

V.

- A. Judy Caton appeared in reference to transparency. Comments are included in backup.

VI.

Economic Recruitment and Development Committee – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to approve a PT-444 request from **Fram Group Operations, LLC** and authorize the County Administrator to execute the document. Motion seconded by Mr. Brown and carried.

- B. Motion made by Mr. Britt to approve a PT-444 request from **Metal Improvement Company LLC** and authorize the County Administrator to execute the document. Motion seconded by Mr. Brown and carried.
- C. Ms. Patty Bock, Economic Development Director, City of Spartanburg, presented information in reference to the Converse Plaza Shopping Center. Motion made by Mr. Britt to adopt a Resolution qualifying the property known as **Converse Plaza Shopping Center** for standard redevelopment incentives as provided for in the Intergovernmental Agreement approved in 2009, also known as the Business Corridor Redevelopment Program and authorize the County Administrator to execute the document. Motion seconded by Mr. Brown and carried.

Public Health and Human Services Committee (Honorable Jane Hall, Chairman)

No items scheduled.

Personnel and Finance Committee (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth adopt a Resolution calling for a public hearing to be held upon the question of the issuance of not exceeding \$700,000 of General Obligation Bonds of the **Mayo Area Fire District**, South Carolina; providing for the publication of the notice of such public hearing; and other matters relating thereto. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Culbreth to render first reading to an Ordinance authorizing the Board of Fire Control of the **Mayo Area Fire District** in Spartanburg County to issue General Obligation Bonds in a principal amount of not exceeding \$700,000, subject to further approval by a bond referendum to be duly submitted to the electors of the Mayo Area Fire District; and other matters relating thereto. Motion seconded by Ms. Hall and carried.
- C. Mr. Bill Mayrose, Accommodations Tax Advisory Committee Chairman, presented the Accommodations Tax Advisory Committee Recommendations for Fiscal Year 2013. This item was carried over to the June meeting.
- D. Motion made by Mr. Culbreth to adopt a Resolution to authorize the transfer of funds to IT0015 Document Management & Workflow Collaboration from IT0011 Desktop & Portable Computer Replacement to utilize anticipated project savings to purchase additional scanners for the Registration and Election Office. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Culbreth to adopt a Resolution to authorize the transfer of funds to CB0015 County Facility Stair, Sidewalk, & Ramp Repair from CB0023 County Facilities Fire Alarm & Electrical Panel

Replacement for repair of sidewalks at the County Courthouse and Administration Buildings. Motion seconded by Mr. Britt and carried.

- F. Motion made by Mr. Culbreth to render second reading to a Budget Ordinance relating to the fiscal Affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2012 and ending June 30, 2013; to provide for budget control of said appropriation by the Spartanburg County Council with the amendments presented by the County Administrator during committee meetings. Motion seconded by Ms. Hall and carried. Mr. Nutt opposed. Amendments are included in backup.
- G. Motion made by Mr. Culbreth to render second reading to a Budget Ordinance to establish Capital Project Budgets for the 2012-2013 Budget Year of the Five-Year Capital Improvement Plan. Motion seconded by Mr. Mintz and carried.
- H. Updated financial data and personnel vacancy reports were received.

Livability Committee – (Honorable Roger Nutt, Chairman)

- A. Mr. Jim Campbell, Interim Parks Director, presented the Parks and Recreation Activities Report.

Public Safety and Judiciary Committee – (Honorable Michael Brown, Chairman)

- A. Presentation regarding the Spartanburg County Courthouse Emergency Response, Evacuation and Security Plan was carried over to the next meeting.
- B. Presentation regarding the Spartanburg County Judicial Center Policy for Key Control was carried over to the next meeting.
- C. Mr. Phil Plexico, Spartanburg County ESA Director, presented the FY 2013 Agreements for Provision of Services and Participation in Spartanburg County 911 Services for Landrum Rescue 11 and Wellford Rescue 21. Motion made by Mr. Brown to authorize the County Administrator to enter into the agreements upon execution by the Rescue Squads. Motion seconded by Mr. Culbreth and carried.
- D. Updated information received regarding activities of Building Codes Department.

Land Use Committee (Honorable Jeff Horton, Chairman)

- A. Ms. Joan Holliday, Planning Department, presented an Ordinance to amend Section 3.03 Manufactured Homes and Section 3.04 Manufactured Home Parks in the Unified Land Management Ordinance (ULMO). The proposed changes are included in backup. During the Land Use Committee meeting, Mr. Nutt talked about decks that adjoin a Manufactured Home and if there was a way to include some clarification in

the Ordinance about when that deck may be repaired or replaced what code applied. Ms. Hubbard stated the steps to a front door and decks relating to Manufactured Housing are regulated by the building code. Staff's recommendation would be not to put anything in the Unified Land Management Ordinance (ULMO) that may conflict with the 2006 International Building Code which has been adopted by Council as its building code. In taking a look at Mr. Nutt's particular concern about homeowners of Manufactured Housing being concerned about code enforcement and whether their particular repair may be considered a replacement or repair, Staff suggested that a homeowner who has a question about whether or not they are being required to bring a deck up to standard and if they feel like Staff is not interpreting the 2006 International Building Code correctly, the proper outlet for them would be the Building Code of Appeals. Mr. Nutt stated that his problem with 3-05-5(c) is it just states for Manufactured Housing that steps have to meet certain codes. It does not state "if repaired" or "if they are new" or "if they are being replaced." Mr. Nutt asked if these are grandfathered. If this is our intention that they are grandfathered in until they are replaced, it needs to be included in this part of the Ordinance. Ms. Hubbard stated that Staff was trying to address this concern when it refers to "in accordance with applicable building codes." Motion made by Mr. Horton to render third reading to Ordinance. Motion seconded by Mr. Mintz. Ms. Hubbard stated the original amendment to the Manufactured Home Ordinance discussed lighting and household garbage waste to apply to parks with five or more mobile homes. A mobile home park is defined as three or more mobile homes. There was a discussion about increasing the number to mobile home parks with ten or more manufactured homes to have lighting and household waste requirements. If Council, as the committee indicated, would change the requirement to require all mobile home parks to have lighting and household waste collections, we would be going from five to three mobile homes and another public hearing would need to be held to discuss that change. Options available to Council would include having it remain at five or more mobile homes requiring lighting and waste household waste pickup or having another public hearing to reduce it to all mobile home parks. Mr. Mintz withdrew his amendment at this time from all and made a motion to reinstate the amendment to five mobile homes or more. Motion seconded by Mr. Britt and carried. Mr. Culbreth and Mr. Nutt opposed. Motion made by Mr. Mintz to render third reading to an Ordinance to amend Section 3.03 Manufactured Homes and Section 3.04 Manufactured Home Parks in the Unified Land Management Ordinance (ULMO) with the proposed changes. Motion seconded by Mr. Britt and carried. Mr. Culbreth and Mr. Nutt opposed.

- B. Updated Planning Department Reports on Development Activity were received.

Public Works, Buildings and Grounds Committee (Honorable O'Neal Mintz, Chairman)

- A. Information received regarding activities of the Public Works Department.

VII.

- A. Motion made by Mr. Culbreth to render third reading to an Ordinance authorizing the acceptance of the Transfer of Authority for conducting Municipal Elections in the **Town of Campobello** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Voter Registration and Election Commission for the conduct of Municipal Elections in the Town of Campobello; to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Voter Registration and Election Commission in the conduct of such Municipal Elections; and to provide for other matters relating thereto. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Britt to render third reading to an Ordinance to amend Ordinance No. O-11-08 which related to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2011 and ending June 30, 2012 and to provide for budget control of said appropriation by the Spartanburg County Council by amending expenditure appropriations to provide additional funding for the Coroner's Office, recognize utilization of reserves related to the 0.5 mil fire levy, adjust General Fund and Special Revenue Fund appropriations for the shift of Detention related revenues and expenses, acceptance of grant funding related to narrow banding, and authorize three mandated Magistrate positions. Motion seconded by Mr. Nutt and carried.

VIII.

- A. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by the **Lao Association of Spartanburg** from 9:00 a.m. until 1:00 a.m. on June 29 and June 30, 2012 for a Building Celebration at 470 Fox Drive, Spartanburg. Motion seconded by Mr. Nutt and carried. Mr. Mintz opposed.
- B. Motion made by Mr. Nutt to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Craig** from 5:30 p.m. until 10:00 p.m. on Saturday, June 2, 2012 for a wedding and reception at 331 Shadow Lane, Lyman. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Jim Craig** from 5:30 p.m. until 10:00 p.m. on Saturday, June 16, 2012 for a wedding and

reception at 331 Shadow Lane, Lyman. Motion seconded by Mr. Nutt and carried.

- D. Motion made by Mr. Culbreth to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Greer Dragway** from 4:00 p.m. until midnight on Saturday, June 2, 2012 for a drag race at 1792 Dragway Road, Greer. Motion seconded by Mr. Mintz and carried.
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IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. Ms. Hubbard presented information in reference to a new Budget Amendment Resolution Form she would like to use as an opportunity for Council to accept donations and to reflect things like changes in grant awards. The Budget Amendment Resolution before Council was to receive a 1985 Ford Pierce Fire Engine to be used as a training tool at the Emergency Services Academy. The estimated value of this donation is roughly \$5,000. The estimated annual recurring cost is \$1,172 for insurance and fuel. The local distributor of the Pierce fire apparatus has agreed to provide the annual preventative maintenance at no cost to the County. Motion made by Mr. Culbreth to add this item to the agenda. Motion seconded by Mr. Britt and carried. Motion made by Mr. Culbreth to adopt Resolution to accept this donation. Motion seconded by Mr. Britt and carried.
- B. Ms. Hubbard requested that Council confirm the selection of Robert E. Metts, Jr. as the Spartanburg County Delinquent Tax Collector. Motion made by Mr. Culbreth to confirm the selection of Robert E. Metts, Jr. by the County Administrator and appoint him as the Spartanburg County Delinquent Tax Collector. Motion seconded by Mr. Britt and carried.

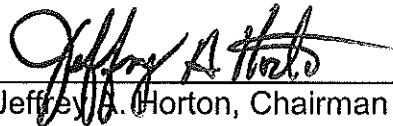
XI.

Motion made by Mr. Nutt to approve minutes of April 16, 2012 (Regular Meeting).
Motion seconded by Mr. Britt and carried.

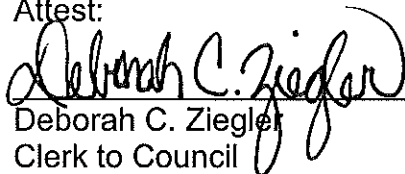
XII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By: 
Jeffrey A. Horton, Chairman

Attest:


Deborah C. Ziegler
Clerk to Council